IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.3508 OF 2006

K.L.Rupani and another — Petitioner
versus
The Secretary, Anant-Deep Co-op. Premises Society Ltd. and ors. — Respondents

Dr.V.K.Chowdhary for petitioner.
S.K.Chinchalikar, AGP for State.

CORAM : A.P.DESHPANDE, J.

DATE : 08th December 2006

PC :

1. The present petitioner is a member of a Co-operative Housing Society which is impleaded as respondent no.1. The respondent no.1 initiated proceedings under section 101 of the Co-operative Societies Act by making a claim in the sum of Rs.2,09,618/-. The Assistant Registrar after examining the claim, only partly allowed the claim, whereas, rejected the claim towards major portion of the amount. By this petition the petitioner mainly questions the payment awarded in favour of the society on account of the expenses incurred for carrying out

the repairs of the flat. The petitioner did not and does not dispute the fact that the repairs were carried out. However, he disputes the quality of the construction by contending that the construction was of sub-standard and hence denies the monetary liability.

2. The Assistant Registrar so also the Revisional Authority viz. the Divisional Joint Registrar, had made the fact finding. The revision has been dismissed by confirming the order of the Assistant Registrar. Perused the order. No interference is called for in the impugned order. Hence, the petition is summarily dismissed.

3. The learned counsel appearing for the petitioner submits that he has already filed a dispute touching the quality of the construction. He further submits that the dispute is still pending. If this be the position, it shall be open for the petitioner to prosecute the dispute.

(A.P.DESHPANDE, J.)